

**CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<b>THE UNITED STATES</b>  <b>vs.</b>  <b>Jack Edgar McBride</b>	<b>For U. S.:</b>  Lawrence A. McSoud U. S. Attorney   <b>For Defendant:</b> Thomas Dee Frasier Pythian Building Tulsa, Okla. 74103  Gordon L. Patten 812 Mayo Building Tulsa, Oklahoma 74103

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 10-2-67	Clerk	2-23-68	Cleaver	5 00	
J.S. 3 mailed 2-29-68	Marshal	2-29-68	CD 37		5 00
Violation Aid & abet in bank robbery	Docket fee	7-8-70	Court Clerk	2,500 00	
Title 18	Fine:	7-9	C.D. 2		2,500.00
Sec. 2(a) and 2113(a)	\$2,500.00				

DATE	PROCEEDINGS
9-14-67	Indictment, filed in open court. b
9-14-67	Record vote of the grand jury, filed in open court. b
9-14-67	Ordered by the Court that the bond of the defendant is fixed in the sum of \$15,000.00. (Allen E. Barrow - Judge) b
9-14-67	Warrant for the arrest of the defendant, filed. b
9-15-67	Bond of the defendant, in the sum of \$15,000.00, filed; surety - Ajax Bonding Co. (Roy W. Smith). b
9-15-67	Order specifying methods and conditions of release, filed. b
9-21-67	Warrant for arrest of defendant returned, filed - executed by arresting defendant and taking him before Commissioner Ewing where he made bail. b
9-26-67	Defendant present in person and represented. Defendant arraigned and receives copy of Indictment, waives reading, and enters plea of NOT GUILTY. Defendant granted 10 days in which to file any motions; government 3 days to comply. Court orders that case set for Jury Trial on Monday, 10-16-67 at 9:30 A.M. (AEB-J)h
10-6-67	Motion for disclosure of matters occurring before the Grand Jury filed by defendant. h

(OVER)

DATE	PROCEEDINGS
10-6-67	Motion for continuance filed. h
10-6-67	Motion for disclosure of results of line up filed. h
10-6-67	Motion for the production of evidence favorable to the accused filed. h
10-11-67	Plaintiff's memorandum in opposition for continuance, filed. b
10-11-67	Order striking case from jury docket of 10-16-67; case to be re-set on next jury docket, filed. (AEB-J)g
10-16-67	Case stricken from docket due to illness of attorney for the defendant, to be reset. (Allen E. Barrow-Judge)h
1-25-68	Case set for Jury trial on Monday, 2-5-68 at 9:30 A.M.(AEB-J)h
1-25-68	Petition for Writ of Habeas Corpus ad testificandum, filed. w
1-25-68	Order Granting Writ of Habeas Corpus ad testificandum, filed. (AEB-J) w
1-31-68	Order that motion for disclosure of matters occurring before Grand Jury, disclosure of results of line-up, and for the production of evidence favorable to the accused, sustained in part and denied in part, filed. (AEB-J) w
1-30-68	Defendant present in person and represented. Motion for disclosure of matters occurring before the Grand Jury sustained based on agreement, with limitations; Motion for disclosure of results of lineup, sustained based on agreement of counsel; Motion for the production of evidence favorable to the accused, sustained based on agreement of counsel. Govern-
2-5-68	ment directed to prepare proper order for filing. This case heretofore set for Jury Trial on 2-5-68 at 9:30 A.M.(Allen E. Barrow-Judge)h
2-5-68	Petition for writ of habeas corpus ad testificandum, filed. ds
2-5-68	Order granting writ of habeas corpus ad testificandum filed. (AEB-J)ds
2-9-68	Writ issued.
2-9-68	Nine subpoenas returned and filed. w
2-5-68	Case tried to a jury on February 5,6,7 and 8, 1968. Stipulation by parties read and filed in open court. Note from jury filed in open court. Jury returns with verdict as to the defendant Jack Edgar McBride, of GUILTY. It is ordered by the court that the defendant is GUILTY as charged in the Indictment. Verdict ordered received, read and filed in open court. Jury discharged. Bond of the defendant increased in amount to \$25,000.00 cash bond. Sentence as to the defendant passed to Thursday 2-15-68 at 10:00 A.M. Defendant committed to the custody of the USM. (AEB-J)h
2-8-68	Exhibits filed. h
2-12-68	Writ of habeas corpus ad testificandum returned, filed - Executed by delivering Donald Lee Yates to the US Marshal for NDO on 2-6-68; and returning him to U. S. Pen at Leavenworth, Kansas on 2-10-68. b
2-13-68	Order that U.S. Marshal deliver Clarence Batson from Musk. CountynJail to Tulsa to testify in case & return him daily to Musk. jail during pendency of trial, filed. (AEB-J) w
2-14-68	Defendant present in person and represented.
	Judgment and Sentence- Jack Edgar McBride (40)
	Atty Gen- 20 years,
	and fined in the sum of \$2500.00 Dollars. The defendant is ordered to stand committed until the fine is paid or he is otherwise discharged by due course of law. Defendant advised of his right to appeal. Amount of appeal bond taken under advisement by the court.(Allen E. Barrow-Judge)h
2-14-68	Order of J&C filed and entered.(AEB-J)h
2-14-68	Two c.c. of J&C delivered to USM. h
2-14-68	Return on writ of habeas corpus ad testificancum, filed. Executed by taking Clarence Batson into custody at Muskogee County Jail, Muskogee, Oklahoma, and transporting him to Tulsa, Oklahoma on 2-4-68, and returning him to the county jail at Muskogee, Oklahoma. Further executed by taking

(Continued)

D. C. 109A

## CRIMINAL DOCKET

DATE	PROCEEDINGS
	Clarence Batson into custody each day on 2-5, 6, 7, 1968, and transporting him from county jail in Muskogee, Oklahoma to the U. S. Court house at Tulsa, Oklahoma, and returning him to Muskogee Co. jail each day. (17.52) (\$93.06)
2-21-68	Reporter's transcript of proceedings had on February 7, 1968 of Patricia Ann Sullivan, filed. (Larry Marks -CSR) b
2-21-68	Appearance Bond on appeal, in the sum of \$50,000.00, filed = surety United Bonding Insurance Company. b
2-21-68	Order specifying methods and conditions of release, filed. b
2-23-68	Notice of Appeal, filed. w (copy delivered to Lawrence McSoud)
2-23-68	Statement of docket entries mailed to USCA, Denver. g
3-26-68	Application for extension of time to file record and docket cause in appellant court filed. ds
3-26-68	Order extending time to file record and docket cause in appellant court, to 5-23-68, filed. (AEB-J) w cpy to Frasier. g
5-17-68	Order to show cause filed. It is ordered that defendant appear and show cause why his bond should not be forfeited on Tuesday, May 21, 1968 at 10:00 A.M. (AEB-J)h notice to counsel.
5-21-68	Hearing held on order for defendant Jack Edgar McBride to show cause why appeal bond should not be forfeited. Court orders that the appeal bond of the defendant is exhonored and the defendant Jack Edgar McBride to be placed in custody of the USM. Defendant granted leave to file application to court to set a new appeal bond. (AEB-J)h
5-21-68	Return on order to show cause, filed. ds
5-22-68	Order extending time to docket appeal an additional 30 days, filed. (AEB-J)
5-22-68	Order filed that the court finds that the defendant violated conditions of said appeal bond, the court orders that the appeal bond is hereby exhonored and the defendant be held without bond until further order of this court and pending disposition of the appeal in the instant cause. (Allen E. Barrow-Judge)h
5-27-68	Return on order to show cause, filed. Served Jack Edgar McBride, on 5-18-68, at Tulsa, Oklahoma. (\$5.64) ds
6-18-68	Court Reporter's transcript of trial proceedings (orig. + 1 copy) filed. (Larry Marks, Reporter)g
6-21-68	Application of Thomas Dee Frasier to withdraw as attorney of record, filed. b
6-21-68	Application of Gordon L. Patten to be appointed attorney of record, filed.
6-21-68	Statement of Clerk as to number of pages in appeal record, filed. g
6-21-68	Certificate of counsel for appellant, filed. g
6-21-68	Transcript of documents in lieu of appeal record forwarded to USCA. g
6-26-68	Application To Reinstate Appeal Bond, filed. js
6-26-68	Defendant's Brief In Support of Motion to Reinstate Bond, filed. js
7-9-68	Plaintiff's response to application to reinstate bond, filed. w
7-10-68	Return on subpoena filed. Executed by serving Detective James Duggen of Clark County Sheriff's Office, at US Marshal's Office, Las Vegas, Nevada, on 5-20-68. \$2.00. ds
7-16-68	Hearing held on motion to reinstate appeal bond. Motion is overruled at this time but deft. may reinstate motion after counsel inquires into status of detainer on McBride from Nevada. Deft. allowed to stay in Tulsa County Jail to assist counsel in preparing brief for appeal & Court to be advised when brief is completed. (AEB-J)w
8-26-68	Application to reinstate appeal bond and defendant's brief in support of motion to reinstate bond, filed. ds
9-4-68	Plaintiff's response to defendant's second application to reinstate bond, filed. w

(continued on Sheet No. 2, page No. 4)

DATE	PROCEEDINGS
9-6-68	Return on J&C, filed. Defendant delivered on 9-2-68 to U.S. Penitentiary at Leavenworth, Kansas. w
12-19-68	Appeal record (3 vols.) forwarded to USCA, Denver. g
12-23-68	Order, that the court finds nothing new contained in the second application for reinstatement of the appeal bond, other than those questions which should be presented on appeal, and that the defendant, Jack Edgar McBride, be held without bond until further order of court, and pending disposition of the appeal, filed. (AEB-J) ds
4-18-69	Return on subpoena duces tecum, filed. Executed by serving Edward B. Payne on 2-5-69. ds
4-28-69	Mandate from USCA, 10th Circuit, affirming judgment of 2-14-1968, filed and spread of record. g
4-28-69	Opinion of USCA, 10th Circuit, filed. g
6-3-69	Original appeal record (3 vols.) forwarded to Clerk, U. S. Supreme Court, Wash. D. C. g (Appl. for W/Cert. dismissed 11-18-69)
4-30-69	Ordered that def't's motion under Rule 35 requesting reduction of sentence or an "A" number sentence is denied. (AEB-J)m
6-30-70	<del>Order that Clerk of Court disburse \$2,500.00 from Registry of Court to Treasurer of U.S. in payment of fine imposed against deft., filed. (AEB-J)m</del> (copy mailed McBride and Frasier) in forma pauperis
5-28-74	Motion of def't. for bond time/(with brief incorporated), filed. g
8-27-74	Order granting leave to proceed in forma pauperis, and overruling motion for credit for time spent on bail pending trial and appeal, filed. (AEB-J)g

*copy to USAtty of the McBride*

UNITED STATES COMMISSIONER  
Northern DISTRICT OF Oklahoma

## RECORD OF PROCEEDINGS—MISCELLANEOUS

BEFORE MILAM M. EWING, FEDERAL BUILDING, TULSA, OKLAHOMA.  
(Name of Commissioner) (Address)

This form should be used to record proceedings for which Forms AO 100 and AO 101 are not adapted, such as applications for search warrants, extradition proceedings, depositions in civil cases, proceedings for the release of poor convicts, references in civil or admiralty cases, attachments and subsequent hearings in internal revenue matters, proceedings to settle or certify nonpayment of seamen's wages, civil rights proceedings, detentions of witnesses on removal proceedings in connection with criminal proceedings, if not included in Form AO 100, etc. A separate page should be used for each proceeding, showing the title of the case, its nature, and the date and nature of each step taken.

Commissioner's

Docket No. 2, Case No. 830

UNITED STATES OF AMERICA.

vs.

JACK EDGAR McBRIDE ( 40)

Grand Jury Indictment

Tulsa, Oklahoma 9-14-67

N/D of Oklahoma.

(Nature of proceeding)

**FILED**

14,835  
SEP 22 1967

[illegible]

